

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DR. XIMENA P GALARZA-RIOS, MD,

Plaintiff,

v.

No. CV 20-813 WJ/CG
consolidated with
No. CV 20-900 WJ/CG

OPTUMCARE NEW MEXICO, LLC,

Defendants.

ORDER SETTING ZOOM SETTLEMENT CONFERENCE

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). Due to the ongoing uncertainty created by the Covid-19 pandemic, and the likelihood that the need for social distancing will continue through the date of the scheduled settlement conference in this case, the Court will hold the upcoming settlement conference via Zoom.

The conference will be held on **June 28, 2021, at 9:00 a.m.** A telephonic status conference will be held on **June 21, 2021, at 1:30 p.m.**, to discuss the parties' positions, as set forth in the Court's *Order Setting Telephonic Pre-Settlement Status Conference*, (Doc. 41).

IT IS HEREBY ORDERED that the parties and a designated representative, other than counsel of record, with full authority to resolve the case, must attend via Zoom; counsel who will try the case must also attend via Zoom. All attorneys and parties involved in the settlement conference must treat as confidential the information

discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

IT IS FURTHER ORDERED that:

1. By **May 31, 2021**, Plaintiff's counsel shall serve on Defendant's counsel a concise letter that sets forth a settlement demand itemizing the principal supporting damages or other relief that Plaintiff asserts would appropriately be granted at trial.
2. By **June 7, 2021**, Defendant's counsel shall serve on Plaintiff's counsel a concise letter that sets forth a response to the settlement demand.
3. By **June 14, 2021**, each party shall provide to the Court:
 - a. A copy of each letter that was sent to an opposing party;
 - b. A confidential, concise letter containing an analysis of the strengths and weaknesses of its case; and
 - c. Any video or audio recordings of the incident upon which this action is based.
 - d. This letter should also contain the email addresses and phone numbers for all participants in the settlement conference. This contact information will be used to send the invitation to attend the settlement conference via Zoom.**

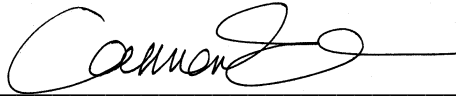
These materials may be submitted to the Court by email:
garzaschambers@nmd.uscourts.gov

4. Each of these letters typically should be five (5) pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference.
5. Before **June 21, 2021**, counsel shall confer with one another about their clients' respective positions.
6. On **June 21, 2021, at 1:30 p.m.**, counsel shall call Judge Garza's AT&T line at (877) 810-9415, follow the prompts, and enter access code 7467959, for a pre-settlement telephonic status conference

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

A party must show good cause to vacate or reschedule the settlement conference. Any such request must provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE